



Flathead City-County Health Department

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www.flatheadhealth.org

EX-1001
DATE 1-26-07
HB 259

Community Health Services

751-8110 FAX 751-8111

Environmental Health Services

751-8130 FAX 751-8131

Reproductive Health Services

751-8150 FAX 751-8151

Home Health Services

751-6800 FAX 751-6807

WIC Services

751-8170 FAX 751-8171

January 23, 2007

Walter McNutt, Chair
Natural Resource Committee
MT House of Representatives
P.O. Box 200400
Helena, MT 59620-0400

Re: House Bill No. 259

Dear Representative McNutt:

Please accept this as testimony in marginal opposition or support with conditions to HB259. Although we believe recycling gray water for beneficial use has merit, we have concerns regarding portions of this proposal. The following will express our concerns:

- The definition of gray water reuse systems only speaks to the collection of gray water. Should this definition also address the storage, treatment and distribution/disposal of gray water as any rule making will require all aspects of the system to be addressed?
- In New Section 2 it states that "Gray water reuse system may not be located within a floodway." This would allow these systems to be allowed in the floodway fringe - the other component of the 100-year floodplain. The state model septic system rule as well as local rules does not allow the installation of sewage treatment systems in the 100-year floodplain. By definition, gray water is considered wastewater or sewage.
- New Section 3 states that "(1) the board, in consultation with the department, shall adopt rules for permitting gray water reuse systems in private residential units." In what context is "permitting" used? Does it mean the act of allowing it to occur and authorizing local health departments to implement the program or does it actually mean the administration of the program by the department via a certificate to operate a gray water reuse system?
 - Title 50 states "50-2-116(1) (i) subject to the provisions of 50-2-130, adopt necessary regulations that are not less stringent than state standards for the control and disposal of sewage from private and public buildings that is not regulated by Title 75, chapter 6, or Title 76, chapter 4. The regulations must describe standards for granting variances from the minimum requirements that are identical to standards promulgated by the board of environmental review and must provide for appeal of variance decisions to the department as required by 75-5-305.

It is not clear what this section actually means and, if applied improperly, could actually take away this primary responsibility of local boards of health and create disarray in the

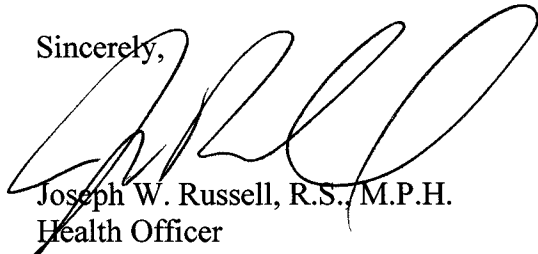
It is the mission of the Flathead City-County Health Department to assure the conditions in which people can be healthy through collaboration, education, promoting stewardship of our resources, and providing preventive health services to our community.

system. This could be remedied by removing the "permitting" language and incorporating this Section as amendments to 75-5-305.

- In New Section 3, it must be clear that gray water reuse systems must be limited to single family dwellings - no multiple family or commercial enterprises should be allowed to utilize this form of wastewater treatment.
- I have some technical concerns regarding gray water reuse in Montana but those are more appropriately addressed in a rule making process.

As earlier mentioned, this is a good idea but we will support this only if the above-mentioned concerns are addressed. Feel free to contact me at 751-8101 if you have any question regarding the position of the Flathead City-County Health Department.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'JWR', is written over the typed name and title.

Joseph W. Russell, R.S./M.P.H.
Health Officer

CC: House Natural Resource Committee Members